

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 18, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JORDAN J. FRANKLIN, an  
individual,  
  
Plaintiff,

v.

J.R. SIMPLOT COMPANY, and  
UNKNOWN JOHN DOES,  
  
Defendants.

NO: 2:24-CV-0044-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is the parties' Stipulated Motion to Amend  
Complaint and Motion to Remand. ECF No. 14. The Court has reviewed the  
record and files herein and is fully informed.

The parties agree that Plaintiff should be allowed to amend his complaint  
which would then destroy this Court's jurisdiction. The parties seek a remand to  
state court. However, this case was never filed in state court and this Court cannot

ORDER OF DISMISSAL WITHOUT PREJUDICE ~ 1

1 remand the case. The Court contacted the parties and it appears that the case  
2 should be dismissed without prejudice so that Plaintiff may file a new complaint in  
3 state court.

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 5 1. The parties' Stipulated Motion to Amend Complaint and Motion to Remand,  
6 ECF No. 14, is **GRANTED** in part.
- 7 2. This action is **DISMISSED without prejudice** and without fees or costs to  
8 any party.
- 9 3. All deadlines, hearings, and trial are **VACATED**.

10 The District Court Executive is directed to enter this Order and Judgment of  
11 Dismissal without prejudice, furnish copies to counsel, and **CLOSE** the file.

12 DATED July 18, 2024.



14 *Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge

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